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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/448,606	11/24/1999	JEAN-PIERRE BONICEL	Q56881	5230

7590 09/15/2003
SUGHRUE MION ZINN MACPEAK & SEAS PLLC
2100 PENNSYLVANIA AVENUE N W
SUITE 800
WASHINGTON, DC 200373213

EXAMINER

NGUYEN, CHAU N

ART UNIT	PAPER NUMBER
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2831

DATE MAILED: 09/15/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application N .

09/448,606

Applicant(s)

BONICEL, JEAN-PIERRE

Examiner

Chau N Nguyen

Art Unit

2831

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 August 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 3-5,7-9 and 14 is/are allowed.
- 6) ☒ Claim(s) 1,2,6,10-13 and 15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 2, 6 and 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Roe et al. in view of Matsushima et al.

Roe et al. discloses a telecommunications or power cable that is structurally reinforced by incorporating armoring having one layer of wires (15) wherein the layer of wires includes steel wires (claims 1&6) and does not carry electricity.

Roe et al. does not disclose each of the steel wires being covered in a layer of stainless steel (claims 1,2,6&10). Matsushima et al. discloses a composite wire comprising a stainless steel-coated steel wire in which a core steel of a standard type covered in a layer of stainless steel that defines a continuous layer of uniform, thickness, density and composition and which has excellent corrosion resistance and strength. It would have been obvious to one skilled in the art to use stainless-coated steel wire as taught by Matsushima et al. for the steel wires (15) of Roe et

al. since the wire taught by Matsushima et al. has excellent corrosion resistance and strength.

Re claims 11 and 12, the modified Roe et al. cable discloses that the stainless steel of each composite wire directly contacts the core of steel so as to form a two layered structure.

3. Claims 13 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Okazato et al. in view of Wada et al.

Okazato et al. discloses a telecommunications cable that is structurally reinforced with armoring, the armoring being a tube (1) that forms a concentric layer of the cable, the tube having a steel core. Okazato et al. does not disclose the tube having a layer of stainless steel covering the steel core. Wada et al. discloses a composite product comprising steel as a base material and stainless steel as a cladding material. It would have been obvious to one skilled in the art to modify the steel tube of Okazato et al. by covering (or cladding) the steel core with a layer of stainless steel as taught by Wada et al. to provide the tube with a good corrosion resistance as taught by Wada et al.

Re claim 15, the modified Okazato et al. cable discloses the steel core being directly contact the stainless steel layer.

Allowable Subject Matter

4. Claims 3-5, 7-9 and 14 are allowed.

Response to Arguments

5. Applicant's arguments filed Aug. 1st 2003 have been fully considered but they are not persuasive. Applicant argues that Matsushima et al. discloses a stainless-coated steel wire in which stainless steel tape is wound around the wire in a helical manner and welded along the butted edges of the tape. This process results in a composite structure that does not have a uniform thickness, density and composition. This argument is not found persuasive. Matsushima et al. discloses the stainless steel layer being formed by winding a stainless steel tape around the steel wire. However, the tape is wound around the wire with the adjacent turns being abutted, therefore the stainless steel layer would have a uniform thickness. Matsushima et al. also discloses the coated steel wire being passed through a wiredrawing machine, accordingly the stainless-coated steel wire would have a uniform thickness, density and composition stainless steel layer. In response to applicant's argument that the present invention is in the field of mechanical reinforcement for cabling, Wada et al., on the other hand, discloses a manufacture

of stainless steel clad plates, the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981). Wada et al. is used only to support the position of coating a steel core with a stainless steel layer to provide a composite structure having an improved corrosion resistance. The feature of using a steel core as a mechanical reinforcement in cable is already disclosed by Okazato et al. Applicant also argues that examiner has not pointed to any teaching or suggestion to form the plates into tubular members for use in cabling. In response to this argument, Okazato et al. does disclose a telecommunications cable that is structurally reinforced with armoring which is a tube (a steel core tube). Wada et al. is used to support the position of coating the outer surface of a steel base material with a stainless steel to provide corrosion resistance in the composite structure, therefore Wada et al. does not have to disclose forming the plates into tubular members.

Summary

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Communication

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chau N Nguyen whose telephone number is 308-0693. The examiner can normally be reached on Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dean Reichard can be reached on (703) 308 3682. The fax

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phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

A handwritten signature in black ink, appearing to read 'Chau N Nguyen', with a stylized flourish at the end.

Chau N Nguyen
Primary Examiner
Art Unit 2831